

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

Person  
Preparing  
Statement: Ashley Townsend Dept.: LA Department of Education  
Board of Elementary &  
Secondary Education

Phone: 225-342-3446 Office: Governmental, Admin., and Public Affairs

Return  
Address: P.O. Box 94064 Rule  
Baton Rouge, LA Title: Part CLXI. Bulletin 137 -  
Louisiana Early Learning Center Licensing  
Regulations (LAC 28:CLXI.103 and 1901) and  
Part CLXV. Bulletin 139 – Louisiana Child  
Care and Development Fund Programs (LAC  
28:103, 309, 311, and 313)

Date Rule  
Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs to state or local governmental units due to the proposed rule revisions. The revisions provide a definition of biocontaminants and set forth safety requirements regarding biocontaminants and hazardous materials to be followed by family child care providers, in-home child care providers, and public school and BESE-approved nonpublic school child care centers. The revisions also provide for the specific information family child care providers, in-home childcare providers, and public school and BESE approved non-public school child care centers must maintain in a cumulative file on each child. This includes an information form, written authorization for emergency medical treatment, a list of individuals to whom the child may be released, and special dietary requirements. Finally, the revisions require that family child care providers, in-home childcare providers, and public school and BESE approved non-public school child care centers maintain policies and procedures relative to shaken baby syndrome, abusive head trauma, and child maltreatment. Federal guidelines governing these facilities already require such practices, and the revisions codify them at the state level. As a result, the Department of Education anticipates there will be no additional costs to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule revisions will not result in costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups. The practices included in these revisions are included in federal requirements and should already be followed by family child care providers, in-home childcare providers, and public school and BESE approved non-public school child care centers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule revisions.

Beth Scioneaux  
Signature of Agency Head or Designee

Evan Brasel, Interim Deputy Fiscal Officer  
Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance  
Typed Name & Title of Agency Head or Designee

4.4.23  
Date of Signature

4/5/23  
Date of Signature

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule revisions provide a definition of biocontaminants and set forth safety requirements regarding biocontaminants and hazardous materials to be followed by family child care providers, in-home child care providers, and public school and BESE-approved nonpublic school child care centers. The revisions also require family child care providers, in-home childcare providers, and public school and BESE approved non-public school child care centers maintain a cumulative file on each child including an information form, written authorization for emergency medical treatment, a list of individuals to whom the child may be released, and special dietary requirements. Finally, the revisions require family child care providers, in-home childcare providers, and public school and BESE approved non-public school child care centers maintain policies and procedures relative to shaken baby syndrome, abusive head trauma, and child maltreatment. Federal guidelines governing these facilities already require such practices, and the revisions codify them at the state level.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

A review of policy prompted these revisions in order to align state rules with federal regulations. Revisions regarding the handling and storage of hazardous materials and biocontaminants disposal align with 45 CFR 98.41(a)(1)(viii). Revisions regarding shaken baby syndrome, abusive head trauma, and child maltreatment align with 45 CFR 98.41(a)(1)(vi). Revisions regarding the addition of specific documentation concerning prevention and response to emergencies due to food and allergic reactions to a student's cumulative file align with 45 CFR 98.41(a)(1)(iv).

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) \_\_\_\_\_ Yes. If yes, attach documentation.

(b) \_\_\_\_\_ NO. If no, provide justification as to why this rule change should be published at this time

**FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET**

**I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED**

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

The proposed rule revisions will have no effect on costs or savings to state agencies.

<b>COSTS</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>
Personal Services	0	0	0
Operating Expenses	0	0	0
Professional Services	0	0	0
Other Charges	0	0	0
Equipment	0	0	0
Major Repairs & Constr.	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>POSITIONS (#)</b>	<b>0</b>	<b>0</b>	<b>0</b>

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

<b>SOURCE</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated	0	0	0
Federal Funds	0	0	0
Other (Specify)	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Not applicable.

**B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.**

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

None

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

The proposed rule revisions will not impact sources of funding of local governmental units.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

The proposed rule revisions will not have an effect on revenue collections of state or local governmental units.

REVENUE INCREASE/DECREASE	FY 23	FY 24	FY 25
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated Funds*	0	0	0
Federal Funds	0	0	0
Local Funds	0	0	0
TOTAL	0	0	0

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Not applicable.

## FISCAL AND ECONOMIC IMPACT STATEMENT WORKSHEET

### III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

- A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

No significant impact to persons, small businesses, or non-governmental groups is anticipated as a result of the proposed rule revisions. An additional form regarding emergency contacts and special dietary restrictions will be required as part of student cumulative folders; however, many centers already require such form. Additional procedures regarding biocontaminants and policies regarding shaken baby syndrome, abusive head trauma, and child maltreatment are currently required at the federal level and are typical practice in early childhood care facilities and centers.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

Not applicable.

### IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule revisions are not anticipated to have an impact on competition and employment.

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

(LAC 28:CLXI.103, 1901; LAC 28:CLXV.103, 309, 311, and 313)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXI in *Bulletin 137 – Louisiana Early Learning Center Licensing Regulations* and LAC 28: CLXV in *Bulletin 139 – Louisiana Child Care and Development Fund Programs*. The proposed rule revisions provide a definition of biocontaminants and set forth safety requirements regarding biocontaminants and hazardous materials to be followed by family child care providers, in-home child care providers, public schools, and BESE-approved nonpublic school child care centers. Additionally, the proposed revisions provide the required information that must be maintained in a cumulative file. Finally, the aforementioned revisions set forth policy and procedural requirements regarding shaken baby syndrome, abusive head trauma, and child maltreatment.

#### TITLE 28

#### EDUCATION

#### Bulletin 137 – Louisiana Early Center Licensing Regulations

#### Part CLXI. Bulletin 137–Louisiana Early Learning Center Licensing Regulations

#### Chapter 1. General Provisions

#### §103. Definitions

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*Behavior Management*—the ongoing positive process of helping children develop inner control so that they can manage their own behavior in an appropriate and acceptable manner by using corrective action to change the inappropriate behavior.

*Biocontaminants*—any biological contaminant that includes blood and any bodily fluids, excretions, or waste that may spread infectious disease.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018), LR 47:1274 (September 2021), LR 49:

#### Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards

#### §1901. General Safety Requirements

A. – R.

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S. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

1. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.
2. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.
3. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.
4. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return the diapers to the child's parent at the end of the day.
5. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of each day or launder the clothes at the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1867 (October 2018), LR 47:1278 (September 2021), LR 49:

#### TITLE 28

#### EDUCATION

#### Bulletin 139 – Louisiana Child Care and Development Fund Programs

#### Part CLXV. Bulletin 139–Louisiana Child Care and Development Fund Programs

#### Chapter 1. Child Care Assistance Program

#### §103. Definitions

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*BESE Bulletin 137*—Louisiana Early Learning Center Licensing Regulations.

*Biocontaminants*—any biological contaminant that includes blood and any bodily fluids, excretions, or waste that may spread infectious disease.

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AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:30 (January 2022), LR 48:1006 (April 2022), LR 49:

### **Chapter 3. CCAP Provider Certification**

#### **§309. Specific Certification and Registration Requirements for Family Child Care Providers**

A. – A.16.b.

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17. Hazardous Materials and Other Items that Can Be Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

18. – 28.k.

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29. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.

c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return the diapers to the child's parent at the end of the day.

e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.

f. Sheets and coverings shall be changed immediately when soiled or wet.

30. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

d. Special diets.

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

31. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedures to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 42:2173 (December 2016), LR 43:1279 (July 2017), LR 44:258 (February 2018), effective March 1, 2018, LR 47:1280 (September 2021), LR 49:

#### **§311. Specific Certification Requirements for In-Home Child Care Providers**

A. – A.15.b.

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16. Hazardous Materials and Other Items Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives, and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.



17. – 27.k.

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28. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

- a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.
- b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.
- c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.
- d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return these diapers to the child's parent at the end of the day.
- e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.
- f. Sheets and coverings shall be changed immediately when soiled or wet.

29. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

d. Special diets.

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

30. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedure to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

B.

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AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2112 (October 2015), amended LR 42:2174 (December 2016), LR 43:1280 (July 2017), LR 44:260 (February 2018), effective March 1, 2018, amended LR 47:1282 (September 2021), LR 49:

### **§313. Specific Certification Requirements for Public School and BESE-Approved Nonpublic School Child Care Centers**

A. – A.12.b.

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13. Hazardous Materials and Other Items Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives, and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

14. – 22.k.

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23. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.



c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return these diapers to the child's parent at the end of the day.

e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.

f. Sheets and coverings shall be changed immediately when soiled or wet.

24. – 25.

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26. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

d. Special diets.

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

27. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedures to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015), amended LR 42:2174 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, amended LR47:1284 (September 2021), LR 49:

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION  
FAMILY IMPACT STATEMENT  
(LA R.S. 49:953 and 972)

Person Preparing Statement: Ashley Townsend  
Phone: 225-342-3446  
Division: Governmental, Administrative, and Public Affairs  
Rule Title: Part CLXI. Bulletin 137– Louisiana Early Learning Center Licensing Regulations (LAC 28:CLXI.103 and 1901) and Part CLXV. Bulletin 139–Louisiana Child Care and Development Fund Programs (LAC 28:CLXV. 103,309, 311, and 313)

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND TO THE FOLLOWING:

I. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?

- ☒ No  
☐ Yes  
☐ Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?

- ☒ No  
☐ Yes  
☐ Lacks sufficient information to determine.

3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?

- ☒ No  
☐ Yes  
☐ Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?

- ☒ No  
☐ Yes  
☐ Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?

- ☒ No  
☐ Yes  
☐ Lacks sufficient information to determine

6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?

- ☐ No  
☒ Yes  
☐ Lacks sufficient information to determine

Signature of Contact Person: Ashley Townsend  
Date Submitted: 3/30/2023

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION  
POVERTY IMPACT STATEMENT  
(LA R.S. 49:973)

Person Preparing Statement: Ashley Townsend

Phone: 225-342-3446

Division: Governmental, Administrative, and Public Affairs

Rule Title: Part CLXI. Bulletin 137– Louisiana Early Learning Center Licensing Regulations (LAC 28:CLXI.103 and 1901) and Part CLXV. Bulletin 139– Louisiana Child Care and Development Fund Programs (LAC 28:CLXV.103,309, 311, and 313)

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

PLEASE RESPOND TO THE FOLLOWING:

I. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?

- ( X ) No  
( ) Yes  
( ) Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?

- ( X ) No  
( ) Yes  
( ) Lacks sufficient information to determine

3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?

- ( X ) No  
( ) Yes  
( ) Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?

- ( X ) No  
( ) Yes  
( ) Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?

- ( X ) No  
( ) Yes  
( ) Lacks sufficient information to determine

Signature of Contact Person: Ashley Townsend

Date Submitted: 3/30/2023

### **Small Business Statement**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director